

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q95279

Naoko KIDA, et al.

Application No.: 10/581,911

Group Art Unit: 1651

Confirmation No.: 8940

Examiner: Thane E UNDERDAHL

Filed: June 7, 2006

For: METHOD FOR THREE-DIMENSIONAL CARTILAGE TISSUE ENGINEERING
USING BONE MARROW CELLS IN SIMULATED MICROGRAVITY
ENVIRONMENT

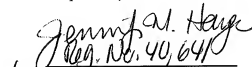
STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,


Susan J. Mack
Registration No. 30,951

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 13, 2009

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INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: Marlovits, S. et al, "Three Dimensional Culture of Human Articular Chondrocytes in Rotating-wall Vessels", FASEB Journal, 1999, Vol. 13, No. 4 PART 1, pg. A427; Prewett, T. L. et al., "Three-dimensional culture of bovine chondrocytes in rotating-wall vessels", In Vitro Cellular and Developmental Biology Animal, 1994, Vol.30A, No.3, Part 2, p.109; Freed, L. E. et al., "Microgravity tissue engineering", In Vitro Cell. Dev. Biol, Animal, 1994, Vol.33, No.5, p.381-385; and JP 2001-512304, which were previously disclosed with the IDS filed June 7, 2006 as

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98
U.S. Appln. No.: 10/581,911

Attorney Docket No.: Q95279

well as U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

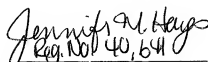
The present Information Disclosure Statement is being filed after either a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), but before payment of the Issue Fee, and therefore the fee of \$180.00 under 37 C.F.R. § 1.17(p) is submitted herewith via the EFS Web Payment Screen. Moreover, since a § 1.97(e) statement can be made, a statement is enclosed herewith.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicants enclose herewith a copy of an English-language translation of the Japanese Office Action issued on January 13, 2009 in a counterpart application citing such documents, together with an English-language translation of at least the relevant portion of the cited non-English document.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Susan J. Mack
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